9 August 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**IVAN CHIRCOP**

**Date of hearing:** 7 August 2024

**Date of decision:** 7 August 2024

**Date of reasons:** 9 August 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Anthony Pearce appeared on behalf of the Stewards.

Mr Ivan Chircop represented himself.

**Charge:** Greyhounds Australasia Rule (“GAR”) 169(5)(c) states:

(5) Pending the decision or outcome of an inquiry or other disciplinary process, a Controlling Body or the Stewards may direct that:

(c) a registration, licence, or other type of authority or permission be suspended.

**Particulars:** On 17 July 2024, the Stewards of Greyhound Racing Victoria (”GRV”) imposed a temporary immediate suspension on Mr Ivan Chircop, pursuant to Local Racing Rule ("LR") 66.1.

On 22 July 2024, the decision was made by GRV Stewards for the suspension to remain in effect pursuant to Greyhounds Australasia Rule (“GAR”) 169(5)(c) until the alleged charges have been heard and determined by the Victorian Racing Tribunal (“VRT”).

**DECISION**

1. Mr Ivan Chircop has appealed against the decision of the Stewards to suspend his licence pending the determination of Charges alleged against him. He has been charged with 13 offences. A hearing of these Charges has been set for 9 September 2024. The most serious of the Charges are contested.
2. In considering this appeal, we must take into account the nature of the Charges, the likely defences available as to those Charges and the fact that the Charges are allegations only, not proven facts. We must also take into account the effect of the suspension on Mr Chircop.
3. Several of the Charges against Mr Chircop are very serious indeed. They arise out of his notification to Greyhound Racing Victoria (“GRV”) of two deceased greyhounds. Following that notification, GRV commenced an investigation. An autopsy was conducted on each of those greyhounds. The Stewards have concluded from the investigation that the death of each of those greyhounds arose as a result of or was contributed to by starvation, which occurred under Mr Chircop’s care. The relevant Rules under which he has been charged allege that those greyhounds were subjected to unnecessary pain and suffering, and that Mr Chircop failed to exercise the care and supervision necessary to prevent a greyhound under his care or custody from being subjected to unnecessary pain and suffering.
4. Having investigated the deaths of these two greyhounds, the Stewards then further investigated the condition of another six dogs in Mr Chircop’s care.
5. Three of those greyhounds were later euthanised on receiving veterinary attention. Autopsies were performed on those three greyhounds as well. The conclusions from the autopsy are relied on by the Stewards to allege extreme neglect by Mr Chircop in relation to those dogs.
6. It is not necessary for the purposes of this appeal to set out those allegations in detail. In brief, it was alleged that one of the greyhounds had most likely died as a result of starvation. Another, suffering from bone cancer, had secondary indications of starvation. It was alleged that a further greyhound suffered from long standing and severe behavioural health issues, which required veterinary attention and was not provided. It was also alleged that another greyhound was kept in an emaciated condition and significantly underweight.
7. Further, a veterinary report relied upon by the Stewards identifies several of the greyhounds at Mr Chircop’s kennels as having very low body scores.
8. In outlining the reasons for the immediate suspension, the Stewards relied upon the nature and seriousness of the offences, the Stewards’ ongoing concern for the welfare of the other greyhounds presently in Mr Chircop’s care, the risk to the reputation and image of the industry in allowing Mr Chircop to continue to participate in it, particularly in respect of his kennelling other greyhounds for training, and his prior history in relation to animal welfare issues.
9. Mr Chircop presented a significant amount of material for our consideration in this appeal. As a result of his suspension, his ability to earn an income is greatly affected. His sole source of income is training greyhounds. He will be completely without funds if he is unable to continue in this occupation. Further, he has suffered from significant mental health issues and his involvement in the greyhound industry has been a source of therapy for him in coping with this condition. He believes that if he is unable to care for his greyhounds, many will have to be euthanised.
10. He has produced four references from other registered persons involved in the greyhound racing industry. Each of these references is very impressive and speaks of his care for and love of his greyhounds. These references are in complete contrast to the nature of the offences alleged against him.
11. The alleged animal welfare Charges will be vigorously contested by him. He intends to provide alternative evidence, which he says will refute the allegations made against him.
12. We accept Mr Chircop’s submissions that this suspension will cause great financial detriment to himself and to his family. We also accept that he has made every endeavour since being charged to ensure that the remaining 66 adult dogs and 12 puppies in his care will be provided for in the future.
13. However, despite accepting these matters, we remain significantly concerned as to the welfare of the remaining greyhounds in his care. We do not accept that he has a viable way of ensuring their future welfare. We also place weight on the fact that he has a prior animal welfare conviction. This offence, which occurred in 2018 and was heard and determined by the GRV Racing Appeals and Disciplinary Board (“RADB”) in 2019, involved the keeping of four greyhounds in conditions which were dangerous to their welfare. The circumstances of this offending throw some doubt on the assurances he and his character witnesses have given as to his ongoing care of his greyhounds. Further, he has two other offences in 2020 and 2023 which relate to failure to comply with Stewards’ requirements as to the keeping of records and evidencing a lack of cooperation with the Stewards. These prior offences militate against his assurances to us that he will cooperate with the Stewards in the future in respect of matters concerning the welfare of his greyhounds.
14. Ultimately, we have reached the conclusion that if Mr Chircop were to retain his licence pending the hearing of these Charges, it would pose a risk to the greyhounds left in his care. We accept the submission of the Stewards that the interests of the greyhounds and their welfare is paramount. In the face of such serious Charges, which, if proven, would indicate severe cruelty to the greyhounds in his care, the effect on Mr Chircop’s ability to earn an income from greyhound racing and the effect of this on his mental health must be secondary considerations.
15. In all the circumstances, the appeal is dismissed, and the suspension remains in effect.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal